

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SYNGENTA CROP PROTECTION, LLC,	:	18cv715 (DLC)
	:	
Plaintiff,	:	<u>ORDER</u>
-v-	:	
	:	
INSURANCE COMPANY OF NORTH AMERICA,	:	
INC., CENTURY INDEMNITY COMPANY, and	:	
ACE PROPERTY AND CASUALTY INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

On November 2, 2017, defendants Insurance Company of North America, Inc., Century Indemnity Company, and ACE Property and Casualty Insurance Company (collectively, "INA") filed a demand for arbitration with the American Arbitration Association ("AAA") pursuant to a 1999 settlement (the "1999 Settlement"). On January 26, 2018, plaintiff Syngenta Crop Protection, LLC ("Syngenta") commenced this action seeking to enjoin arbitration. An Opinion of March 29, 2018 stayed this action pending arbitration and noted that the arbitration clause in the 1999 Settlement requires that "any dispute with respect to" the settlement be resolved through arbitration. See Syngenta Crop Prot., LLC v. Ins. Co. of N. Am., Inc., No. 18CV715 (DLC), 2018 WL 1587601 at *4 (S.D.N.Y. Mar. 29, 2018).

The parties participated in arbitration before Kenneth R. Feinberg (the "Arbitrator"), who issued a "Final Award" (the "Award") on January 6, 2020. The Award stated that it was "in full settlement of all claims submitted to this Arbitration." Award at 6. On January 5, 2021, INA filed a motion to confirm the Award. An Opinion of April 23 confirmed the Award and instructed the Clerk of Court to enter judgment for the defendants and close the case. See Syngenta Crop Prot., LLC v. Ins. Co. of N. Am., Inc., No. 18CV715(DLC), 2021 WL 1590203, at *3 (S.D.N.Y. Apr. 23, 2021).

In a letter of April 27, 2021, Syngenta requested that the Court reopen the case because there remain live issues for the Arbitrator or the Court to decide. In a letter of April 28, INA did not oppose reopening the case but asked that, if the case was reopened, the Court reinstate the stay that was previously in effect pending arbitration. Based upon the parties' letters of April 27 and 28, it appears that the Award was partial and only ruled on preliminary issues. Accordingly, it is hereby

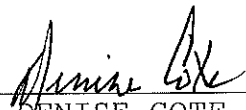
ORDERED that the prior judgment entered for the defendants is vacated.

IT IS FURTHER ORDERED that the Clerk of Court shall reopen the case.

IT IS FURTHER ORDERED that the case shall remain stayed pending arbitration.

IT IS FURTHER ORDERED that a status letter is due **October**
1, 2021.

Dated: New York, New York
April 28, 2021



DENISE COTE
United States District Judge